

# Exhibit A

EVANS, CRAVEN & LACKIE, P.S.

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MAY 18 2022

**FILED**

2022 MAY 17 AM 11:12

TIMOTHY W. FITZGERALD  
SPOKANE COUNTY CLERK

SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SPOKANE

BRAEDEN CORDES, individually,

Plaintiff,

v.

MEAD SCHOOL DISTRICT 354, a  
Washington Municipal Corporation; RYAN  
CHAN, individually; GILBERT AND  
MELISSA CHAN, husband and wife, and  
the marital community comprised thereof;  
and JOHN AND JANE DOES 1-10,

Defendants.

No. **22201562-32**

**SUMMONS**

TO THE DEFENDANT: MEAD SCHOOL DISTRICT 354.

A lawsuit has been started against you in the above-entitled Court by Plaintiff. Plaintiff's claims are stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the Plaintiff within twenty (20) days after the service of this Summons, excluding the day of service, or a

6

1 default judgment may be entered against you without notice. A default judgment is one  
2 where Plaintiff is entitled to what he asks for because you have not responded. If you serve a  
3 Notice of Appearance on the undersigned attorney, you are entitled to notice before a default  
4 judgment may be entered.  
5

6 You may demand that the Plaintiff file this lawsuit with the Court. If you do so, the  
7 demand must be in writing and must be served upon the Plaintiffs. Within 14 days after you  
8 serve the demand, the Plaintiff must file this lawsuit with the Court, or the service on you of  
9 this Summons and Complaint will be void.  
10  
11

12 If you wish to seek the advice of an attorney in this matter, you should do so promptly  
13 so that your written response, if any, may be served on time.  
14

15 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the  
16 State of Washington.  
17

18 RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of May, 2022.  
19

20 ETTER, McMAHON, LAMBERSON,  
21 VAN WERT & ORESKOVICH, P.C.

22 By:   
23

24 Carl J. Oreskovich, WSBA #12779

25 Andrew M. Wagley, WSBA #50007

26 Attorneys for Plaintiff Braeden Cordes  
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TIMOTHY M. FITZGERALD  
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BRAEDEN CORDES, individually,  
  
Plaintiff,

v.

MEAD SCHOOL DISTRICT 354, a  
Washington Municipal Corporation; RYAN  
CHAN, individually; GILBERT AND  
MELISSA CHAN, husband and wife, and  
the marital community comprised thereof;  
and JOHN AND JANE DOES 1-10,  
  
Defendants.

No. **2220 1562-32**

**COMPLAINT FOR DAMAGES**

COMES NOW, Plaintiff BRAEDEN CORDES, by and through his attorneys Carl J. Oreskovich and Andrew M. Wagley of Etter, McMahon, Lamberson, Van Wert & Oreskovich, P.C., and hereby alleges as follows:

**I. PARTIES**

1.1. On or about May 30, 2017, Plaintiff Braeden Cordes was injured based upon the acts and omissions of the Defendants as described fully *infra*. At all times material hereto, Braeden Cordes was a resident of Spokane County, Washington.

8



1 1.2. Defendant Mead School District 354 is a municipal corporation organized under the  
2 laws of the State of Washington. At all times material hereto, Defendant Mead School  
3 District operated the Mead High School, located in Spokane County, Washington.  
4

5 1.3. Defendant Ryan Chan, a minor at the time of the incident, negligently choked Plaintiff  
6 Braeden Cordes on or about May 30, 2017 as described further herein. At all times  
7 material hereto, Defendant Ryan Chan was a resident of Spokane County, Washington.  
8

9 1.4. Upon information and belief, Defendants Gilbert and Melissa Chan, and the marital  
10 community comprised thereof, are the parents of Defendant Ryan Chan. At all times  
11 material hereto, Defendants Gilbert and Melissa Chan were residents of Spokane  
12 County, Washington.  
13  
14

15 1.5. Upon information and belief, Defendants John and Jane Does 1-10 are individuals  
16 and/or entities, currently unknown to Plaintiff, including but not limited to officers,  
17 administrators, teachers, counselors, employees, and/or agents of Defendant Mead  
18 School District, who will be identified through discovery and added as necessary.  
19  
20

21 **II. JURISDICTION, VENUE, AND PRESENTMENT OF CLAIM**

22 2.1. The acts, errors, omissions, and/or injuries alleged herein occurred in Spokane County,  
23 Washington.  
24

25 2.2. Jurisdiction is proper in the Superior Court of the State of Washington in and for the  
26 County of Spokane, pursuant to RCW 2.08.010, 42 U.S.C. § 1983, and other applicable  
27 laws.  
28  
29

30 2.3. Venue is appropriate in this Court pursuant to RCW 4.12.020 and other applicable laws.  
31  
32

1 2.4. Plaintiff Braden Cordes has satisfied the requirements set forth in Chapter 4.96 RCW by  
 2 filing an appropriate claim for damages with Defendant Mead School District more than  
 3 60 days prior to commencement of this suit.  
 4

### 5 **III. FACTS**

6 3.1. On or about the afternoon of May 30, 2017, Plaintiff Braeden Cordes, Defendant Ryan  
 7 Chan, and other classmates began to gather by their classroom door at the end of fifth  
 8 period at Mead High School. Both Plaintiff Braeden Cordes and Defendant Ryan Chan  
 9 were Sophomores at the time.  
 10

11 3.2. While the class was waiting to be released, Defendant Ryan Chan came up behind  
 12 Plaintiff Braeden Cordes and placed Braeden in a chokehold. During the incident, Ryan  
 13 choked Braeden to the point of unconsciousness.  
 14

15 3.3. When Ryan grabbed Braeden, Braeden's hands were in his pockets, and Braeden  
 16 therefore had no opportunity to brace his fall when he was choked unconscious. When  
 17 Ryan let go of Braeden, Braeden fell face first to the floor of the classroom, suffering a  
 18 right orbital blowout fracture and concussion with loss of consciousness.  
 19

20 3.4. Following the incident, Defendant Mead School District interviewed various students  
 21 and faculty. As indicated by classmates, Braeden and Ryan "joke[d] around in class all  
 22 the time" and "[t]hey goof[ed] around in . . . class a lot." Unfortunately, students  
 23 indicated that "Ryan took it too far and it ended up bad" that afternoon.  
 24

25 3.5. According to student accounts, while the class was waiting to be excused for their next  
 26 period, "Ryan just started choking [Braeden]." One student who directly witnessed the  
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 28  
 29  
 30  
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 32

1 event indicated: "I think Ryan was trying to get Braeden to tap out." Another student  
2 said they saw Ryan "start with the choke hold and thought they were just messing  
3 around. When I looked back I saw Braeden fall to the ground."  
4

5 3.6. As indicated by the Critical Incident Report authored by Mead High School teacher  
6 Kelli Hennessey: "Student Ryan Chan choked student Braeden Cordes. Braeden lost  
7 consciousness, fell to the floor, and hit his face on the ground."  
8

9 3.7. Immediately following the incident, Defendant Ryan Chan "stated that he had placed  
10 Braeden in a choke hold and that Braeden did not 'tap out,' so he let Braeden go, at  
11 which point he fell." Thereafter, Ryan Chan admitted he knew that "school isn't an  
12 appropriate place for physical contact" and "expressed that he felt horrible that it  
13 happened and that he takes responsibility for his actions."  
14  
15

16 3.8. Following the incident, Ms. Hennessey directed students to get the school nurse and call  
17 911. When Ms. Hennessey tended to Plaintiff Braeden Cordes, she recalled: "Braeden's  
18 nose had been bleeding and the right side of his face was swollen and bruised. He was  
19 awake but confused about what happened and stated that he could not see out of his  
20 right eye." Further, "Braeden whimpered a little bit and he didn't say anything until  
21 [the] Nurse started asking him questions," the first thing he said was "he couldn't see  
22 out of his right eye" and "didn't remember right away what happened."  
23  
24  
25  
26

27 3.9. Paramedics arrived shortly thereafter and took Plaintiff Braeden Cordes to the  
28 emergency room ("ER") of Holy Family Hospital. As a result of the incident, Plaintiff  
29 suffered a right orbital blowout fracture, diplopia of the right eye, a concussion with  
30  
31  
32



1 loss of consciousness, an intraoral laceration requiring five stitches, and general pain  
2 and suffering.

3 3.10. Mead High School Principal Teresa Laher ultimately determined that “[the] two boys  
4 were messing around, they were not intentionally trying to hurt each other.” Mead  
5 School District classified the incident as “Horseplay” on the Accident Report Form.  
6

7 3.11. Prior to the incident, Defendant Ryan Chan had previously been involved in other  
8 similar horseplay incidents at Mead High School and was previously disciplined for  
9 playing a “choke out game” with other students. Upon information and belief, this  
10 information was known to Defendant Mead School District and Defendants Gilbert and  
11 Melissa Chan prior to the events of May 30, 2017.  
12  
13  
14

15 **IV. FIRST CAUSE OF ACTION**  
16 **NEGLIGENCE / FAILURE TO PROTECT –**  
17 **DEFENDANT MEAD SCHOOL DISTRICT**

18 4.1. Plaintiff incorporates the allegations set forth in the prior and preceding paragraphs as  
19 though fully restated herein.  
20

21 4.2. Under Washington law, a school district has a duty to undertake reasonable precautions  
22 to protect the pupils in its custody from foreseeable dangers, including those caused by  
23 acts and/or omissions of third parties and fellow students.  
24

25 4.3. Defendant Mead School District, by and through its officers, administrators, teachers,  
26 counselors, employees, and/or agents, knew or should have known that Defendant Ryan  
27 Chan presented an unreasonable risk of harm to fellow Mead High School students,  
28 including Plaintiff Braeden Cordes.  
29  
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32

12

1 4.4. It was reasonably foreseeable to Defendant Mead School District, and within the  
 2 applicable zone of danger, that Ryan Chan posed a risk of injuring other students, based  
 3 on his prior acts of horseplay, prior discipline following playing the “choke out game,”  
 4 and other facts that will be established fully at the time of trial.  
 5

6 4.5. The Defendant Mead School District breached its duty to protect its students, including  
 7 the Plaintiff Braden Cordes, by failing to prevent students from choking other students,  
 8 allowing Ryan Chan to be unsupervised around his peers following horseplay / “choke  
 9 out” reports, failing to warn students and/or parents of the “choke out game,” and other  
 10 facts as will be established fully at the time of trial.  
 11  
 12

13 4.6. Defendant Mead School District is liable by virtue of not only its policies, procedures,  
 14 and policymakers, but also by virtue of the acts and/or omissions of its administrators,  
 15 counselors, teachers, and other agents under the doctrine of respondeat superior.  
 16  
 17

18 4.7. The Defendant Mead School District’s breach of such duty was the proximate cause of  
 19 the injuries suffered by Plaintiff Braeden Cordes.  
 20

21 4.8. As a direct and proximate result of said breach, Plaintiff Braeden Cordes, has suffered,  
 22 and will continue to suffer, both economic and noneconomic damages, as will be  
 23 established fully at the time of trial.  
 24

25 **V. SECOND CAUSE OF ACTION**  
 26 **NEGLIGENCE / FAILURE TO SUPERVISE**  
 27 **DEFENDANT MEAD SCHOOL DISTRICT**  
 28

29 5.1. Plaintiff incorporates the allegations set forth in the prior and preceding paragraphs as  
 30 though fully restated herein.  
 31  
 32



1 5.2. Under Washington law, a school district has a duty to properly supervise a pupil in its  
2 custody from causing foreseeable dangers to others, including those caused by negligent  
3 and/or intentional tortious acts.  
4

5 5.3. Defendant Mead School District, by and through its officers, administrators, teachers,  
6 counselors, employees, and/or agents, knew or should have known that Defendant Ryan  
7 Chan presented an unreasonable risk of harm to fellow Mead High School students,  
8 including the Plaintiff Braeden Cordes.  
9  
10

11 5.4. It was reasonably foreseeable to Defendant Mead School District, and within the  
12 applicable zone of danger, that Ryan Chan posed a risk of injuring other students, based  
13 on his prior acts of horseplay, prior discipline following playing the "choke out game,"  
14 and other facts that will be established fully at the time of trial.  
15  
16

17 5.5. Defendant Mead School District breached its duty to supervise Defendant Ryan Chan,  
18 prevent Ryan from injuring other students, allowing Ryan Chan to be unsupervised  
19 around his peers following horseplay / "choke out" reports, and other facts as will be  
20 established fully at the time of trial.  
21  
22

23 5.6. Defendant Mead School District is liable by virtue of not only its policies, procedures,  
24 and policymakers, but also by virtue of the acts and/or omissions of its administrators,  
25 counselors, teachers, and other agents under the doctrine of respondeat superior.  
26

27 5.7. The Defendant Mead School District's breach of such duty was the proximate cause of  
28 the injuries suffered by Plaintiff Braeden Cordes.  
29  
30  
31  
32

1 5.8. As a direct and proximate result of said breach, Plaintiff Braeden Cordes, has suffered,  
2 and will continue to suffer, both economic and noneconomic damages, as will be  
3 established fully at the time of trial.  
4

5 **VI. THIRD CAUSE OF ACTION**  
6 **VIOLATION OF DUE PROCESS –**  
7 **DEFENDANT MEAD SCHOOL DISTRICT**

8 6.1. Plaintiff incorporates the allegations set forth in the prior and preceding paragraphs as  
9 though fully restated herein.  
10

11 6.2. Title 42 Section 1983 of the United States Code provides, in pertinent part:

12 Every person who, under color of any statute, ordinance, regulation,  
13 custom, or usage, of any State or Territory or the District of Columbia,  
14 subjects, or causes to be subjected, any citizen of the United States or  
15 other person within the jurisdiction thereof to the deprivation of any rights,  
16 privileges, or immunities secured by the Constitution and laws, shall be  
17 liable to the party injured in an action at law, suit in equity, or other proper  
proceeding for redress.

18 A cause of action under Section 1983 requires proof that the defendant acted under  
19 color of state law, and that the defendant deprived the plaintiff of a right protected by  
20 the Constitution of the United States.  
21

22 6.3. The Due Process Clause of the Fourteenth Amendment to the Constitution of the United  
23 States provides that a state actor shall not “deprive any person of life, liberty, or  
24 property, without due process of law.” An individual has a protected liberty interest in  
25 his or her personal autonomy pursuant to the Due Process Clause.  
26

27 6.4. The failure of a state actor to protect an individual from the acts of a third party may  
28 constitute a deprivation of liberty under the Due Process Clause of the Fourteenth  
29  
30  
31  
32

1 Amendment if there is: (1) affirmative conduct on the part of the state actor in placing  
2 the individual in danger, and (2) the state acts with deliberate indifference to a known or  
3 obvious danger.  
4

5 6.5. The Defendant Mead School District constitutes a state actor for purposes of Section  
6 1983 as it is a municipal corporation operating and organized under the laws of the  
7 State of Washington and operated the Mead High School at all time material hereto in  
8 the performance of its official duties.  
9

10  
11 6.6. The Defendant Mead School District owed an affirmative duty to protect the Plaintiff  
12 Braeden Cordes from the acts of Ryan Chan as the Defendant engaged in affirmative  
13 conduct that created the danger by virtue of allowing Ryan Chan to be unsupervised  
14 around his peers following reported incidents of horseplay and the “choke out game.”  
15

16  
17 6.7. The Defendant Mead School District knew, or should have known, that its actions  
18 specifically endangered Plaintiff Braeden Cordes and that Plaintiff was a foreseeable  
19 victim and/or a member of a discrete class of persons subjected to the potential harm by  
20 virtue of the Plaintiff’s status as a student at Mead High School, relationship with Ryan  
21 Chan, and other facts as will be established fully at the time of trial.  
22

23  
24 6.8. The Defendant Mead School District breached such duty owed to the Plaintiff by virtue  
25 of the failure to implement and/or follow necessary policies and procedures, allowing  
26 Defendant Ryan Chan to “choke out” Plaintiff Braeden Cordes, and other facts as will  
27 be established fully at the time of trial.  
28  
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1 6.9. Defendant Mead School District's breach constitutes a deliberate indifference to  
 2 Plaintiff's constitutional rights and shocks the conscience as the need for more or  
 3 different action was so obvious, yet the Defendant failed to take obvious steps to  
 4 address this known, serious risk.  
 5

6 6.10. Defendant Mead School District is liable pursuant to *Monell v. Department of Social*  
 7 *Services*, 436 U.S. 658 (1978) as the acts described herein were committed pursuant to  
 8 official policy, ratification, and/or delegation.  
 9  
 10

11 6.11. Defendant Mead School District's breach of such duty was the proximate cause of  
 12 Plaintiff's injuries and the moving force of the deprivation of his right to liberty under  
 13 the Due Process Clause.  
 14

15 6.12. As a direct and proximate result of said breach, Plaintiff Braeden Cordes, has suffered,  
 16 and will continue to suffer, both economic and noneconomic damages, as will be  
 17 established fully at the time of trial.  
 18

19  
 20 **VII. FOURTH CAUSE OF ACTION**  
 21 **NEGLIGENCE / NEGLIGENT SUPERVISION –**  
 22 **DEFENDANTS GILBERT AND MELISSA CHAN**

23 7.1. Plaintiff incorporates the allegations set forth in the prior and preceding paragraphs as  
 24 though fully restated herein.  
 25

26 7.2. Under Washington law, parents are liable for torts of their minor children when: (1) the  
 27 child has a dangerous proclivity; (2) the parents know of the child's dangerous  
 28 proclivity; and (3) they fail to exercise reasonable care in controlling that proclivity.  
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1 7.3. As detailed above, Defendant Ryan Chan had dangerous proclivities that resulted in  
2 choking out Plaintiff Braeden Cordes at Mead High School on May 30, 2017.

3 7.4. Defendants Gilbert and Melissa Chan knew, or should have known, of their child's  
4 dangerous proclivity by virtue of Ryan Chan's prior discipline at school, prior instances  
5 of playing the "choke out game" and horseplay, and other facts as will be established  
6 fully during the time of trial.  
7

8 7.5. Despite the dangerous proclivities exhibited by Ryan Chan, and the Defendants'  
9 knowledge thereof, Defendants failed to exercise reasonable care in controlling such  
10 dangerous proclivities.  
11

12 7.6. Defendants Gilbert and Melissa Chan's breach of such duty was the proximate cause of  
13 the injuries suffered by Plaintiff as alleged elsewhere herein.  
14

15 7.7. As a direct and proximate result of said breach, Plaintiff Braden Cordes has suffered,  
16 and will continue to suffer, both economic and noneconomic damages, as will be  
17 established fully at the time of trial.  
18  
19  
20

21 **VIII. FIFTH CAUSE OF ACTION**  
22 **NEGLIGENCE – DEFENDANT RYAN CHAN**

23 8.1. Plaintiff incorporates the allegations set forth in the prior and preceding paragraphs as  
24 though fully restated herein.  
25

26 8.2. Under Washington law, the required elements for negligence: (1) the existence of a  
27 duty, (2) breach of that duty, (3) resulting injury, and (4) proximate cause.  
28

29 8.3. Defendant Ryan Chan had a duty to exercise ordinary care in his interactions with  
30 others, not engage in misfeasance, and to avoid injuring others by virtue of his conduct.  
31  
32



1 8.4. Defendant Ryan Chan breached said duty by virtue of the acts and/or omissions  
2 described elsewhere herein, including placing Plaintiff in a choke hold.

3 8.5. Plaintiff was injured by Defendants' breach of said duty, incurring both economic and  
4 noneconomic damages, including emotional distress, and pain and suffering.

5 8.6. As a direct and proximate result of said breach, Plaintiff Braeden Cordes has suffered,  
6 and will continue to suffer, both economic and noneconomic damages, as will be  
7 established fully at the time of trial.  
8  
9  
10

11 **IX. PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff Braeden Cordes prays for judgment against Defendants,  
13 jointly and severally where applicable, as follows:  
14

- 15 1. For all special and economic damages incurred to date and for those which will  
16 reasonably be incurred in the future;
- 17 2. For all general and noneconomic damages which will reasonably and fairly  
18 compensate the Plaintiff;
- 19 3. For punitive damages, as allowed by law;
- 20 4. For attorneys' fees and costs of suit, as allowed by 42 U.S.C. § 1988 and other  
21 applicable law;
- 22 5. For trial by jury pursuant to applicable Washington law;
- 23 6. For pre-judgment and post-judgment interest at the highest rate permitted by  
24 law; and  
25  
26  
27  
28  
29

30 //

1           7.       For such other and further relief as the Court deems just and equitable.

2       RESPECTFULLY SUBMITTED this 17<sup>th</sup> day of May, 2022.

3                               ETTER, McMAHON, LAMBERSON,  
4                               VAN WERT & ORESKOVICH, P.C.

5  
6  
7       By: 

8                               Carl J. Oreskovich, WSBA #12779

9                               Andrew M. Wagley, WSBA #50007

10                              Attorneys for Plaintiff Braeden Cordes  
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